

To: Goforth, Kathleen[Goforth.Kathleen@epa.gov]
Cc: Blumenfeld, Jared[BLUMENFELD.JARED@EPA.GOV]; Diamond, Jane[Diamond.Jane@epa.gov]; Scott, Jeff[Scott.Jeff@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]; Bromm, Susan[Bromm.Susan@epa.gov]; Rader, Cliff[Rader.Cliff@epa.gov]; Brush, Jason[Brush.Jason@epa.gov]; Jessop, Carter[JESSOP.CARTER@EPA.GOV]; Herrera, Angeles[Herrera.Angeles@epa.gov]; Hanf, Lisa[Hanf.Lisa@epa.gov]; Johnson, Kathleen[Johnson.Kathleen@epa.gov]; Leidy, Robert[Leidy.Robert@epa.gov]; Evans, David[Evans.David@epa.gov]; Goldmann, Elizabeth[Goldmann.Elizabeth@epa.gov]
From: Greczmiel, Horst
Sent: Fri 1/10/2014 5:07:38 PM
Subject: RE: Next Steps and Agency views on Mitigation - Deliberative - pre-decisional RE: Rosemont Mine - Deferral?

A belated thank you for sending the letter and your helpful synopsis.

Horst Greczmiel

Associate Director for NEPA Oversight

Council on Environmental Quality

Personal Matters / Ex. 6



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From: Goforth, Kathleen [mailto:Goforth.Kathleen@epa.gov]

Sent: Thursday, January 09, 2014 12:13 PM

To: Greczmiel, Horst

Cc: Blumenfeld, Jared; Diamond, Jane; Scott, Jeff; Kopocis, Ken; Bromm, Susan; Rader, Cliff; Brush, Jason; Jessop, Carter; Herrera, Angeles; Hanf, Lisa; Johnson, Kathleen; Leidy, Robert; Evans, David; Goldmann, Elizabeth

Subject: RE: Next Steps and Agency views on Mitigation - Deliberative - pre-decisional RE: Rosemont Mine - Deferral?

Horst –

The views that we previously submitted (in your message below) continue to reflect EPA's perspective on the waters of the U.S. impacts of the proposed Rosemont Mine project and the deficiencies of the mitigation concepts proposed to date. As noted in those views, the proposed mine project would eliminate a largely undisturbed network of 18 linear miles of desert streams through direct fill, and cause groundwater drawdown impacting surface waters across approximately 64,000 acres of the Cienega Creek watershed. These secondary 404 impacts will result in the loss of hundreds of additional acres of riparian vegetation and the drying of perennial streams, according to the EIS.

EPA believes a watershed approach to mitigation is both consistent with long-held Corps/EPA policy and regulations, and is necessary given the scope of impacts. Conceptually, what would be necessary to offset the impacts as we understand them would be a comprehensive, regional preservation program bringing priority conservation lands together that include at least as many waters of the U.S. stream miles (distributed similarly on the landscape—not lumped together in one small parcel) preserved as will be impacted. Preservation on this 1:1 basis would be necessary, but not sufficient under the regulations, unless waters of the U.S. can be functionally enhanced on the preservation lands (in ways that can be measured and verified). In the absence of functional enhancement, the stream miles preserved-to-impacted ratio would need to be significantly greater than 1:1. To the extent practicable, the mitigation should be in the Cienega Creek watershed to truly offset impacts.

Attached is a copy of the 12/30/13 letter from the Pima County Administrator to Colonel Colloton, which reinforces many of these views. The County controls the Pantano Dam parcel, which has been the focus of most mitigation credit discussions to date. Like EPA, the County's letter emphasizes the inadequacy of small, isolated parcels to serve as compensatory mitigation for destruction of an "entire, intact, contiguous . . . ecosystem," and suggests that many priority conservation parcels are potentially available and have not been evaluated. Although the County lists measures necessary for mitigation activities at Pantano to be possible (e.g., find actual water, secure the rights to it, provide conveyance, etc), EPA agrees that Pantano alone would be insufficient as a mitigation strategy. This 2-mile stretch of stream habitat would fail to replace the ecosystem services of the 18 miles being directly eliminated, and would leave mitigation for the significant secondary impacts of the discharges unaddressed.

Best wishes for the new year –

-Kathy

From: Greczmiel, Horst [Personal Matters / Ex. 6]

Sent: Monday, December 23, 2013 7:46 AM

To: 'Cal Joyner (cjoyner@fs.fed.us)'; 'Jim Upchurch (jupchurch01@fs.fed.us)'; Kopocis, Ken; Blumenfeld, Jared; Bromm, Susan; Rader, Cliff; Goforth, Kathleen; 'Ann Acheson - CEQ (aacheson@fs.fed.us)'; 'Joe Carbone (jcarbone@fs.fed.us)'; 'Robert Bonnie (robert.bonnie@osec.usda.gov)'; 'Meryl Harrell (meryl.harrell@osec.usda.gov)'; 'Blaine, Marjorie E SPL'; 'Castanon, David J SPL'; 'Meg.E.Gaffney-Smith@usace.army.mil'; 'Dave Sire (david_sire@ios.doi.gov)'; 'Deborah Rawhouser (drawhous@blm.gov)'; 'Edwin Roberson'; Ann Acheson - CEQ (aacheson@fs.fed.us); Thomas Flanagan@nps.gov; David Cottingham (David_Cottingham@fws.gov); Larry Bright (Larry_bright@fws.gov)

Cc: Guzy, Gary S.; Boots, Michael J.; Patel, Manisha

Subject: Next Steps and Agency views on Mitigation - Deliberative - pre-decisional RE: Rosemont Mine - Deferral?

Importance: High

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Deliberative Process / Ex. 5

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Thank you all and have a safe, healthy, and joy-filled holiday!

Horst Greczmiel

Associate Director for NEPA Oversight

Council on Environmental Quality

Personal Matters / Ex. 6



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